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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,497	08/01/2001	Shinya Hondo	Q65530	3221

7590 12/06/2006
SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

CORRIELUS, JEAN B

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

54

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/918,497	Applicant(s) HONDO, SHINYA	
	Examiner Jean B. Corrielus	Art Unit 2611	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 6 and 14.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


 Jean B. Corrielus
 Primary Examiner
 Art Unit: 2611

11-30-06

Continuation of 11. does NOT place the application in condition for allowance because: It is alleged that there is nothing in the specification that states that rake combiners 27, 37 and 45 are necessary for decoding. However, it is noted that the rake combiners as recited in the claims read on combiners 27, 37 and 45 of fig. 8 to combine and provide the data field to a first input of memories (11-13). The specification page 23, lines 7-15 further teaches that information necessary for decoding the data field is provided by rake combiners 26, 36 and 44 at a second input of the memories 11-13. Without the necessary information, the decoder will not be able to decode the data field. Hence the second set of combiners 26, 36 and 44 are necessary to practice the invention. Fig. 8, for instance, the only embodiment that reads on the claimed invention, clearly shows each memory 11-13 configured to receive a pair of inputs signals, a first input received format information of the data field from a first rake combiner (26, 36 and 44) necessary for decoding by decoding unit 8 and a second input to receive the data field from second rake combiner 27, 37 and 45. There is no embodiment, however where the memories (11-13) can be configured to receive the data or information on the data. The invention as described in the specification page 23, lines 7-15 and the drawing of fig. 8 require both the data and information on the data be provided to the each of the memories (11-13). Hence a pair of rake combiners and other circuitries in each of the processing blocks are essential to practice the claimed invention. Applicant further alleges that the specification, at page 19, line 29-page 20, line 4 clearly teach that signals are allocated to the processing blocks 2, 3 or 4 based on service type of the received signals. As a preliminary matter, it is noted that the processing block is claimed as a rake combiner. As known in the art however, rake combiners do not prioritize they only generate a combine output. In addition, note that the decoding unit as claimed is not part of any of processing blocks 2-4 while the claimed language clearly recites that the decoding unit reading out signals having a high priority based service type of the received signals. According to applicant's comment only the processing blocks 2-4 prioritize the received signal according to the service type not the decoder. Claim 6, recites that each of the plurality of memories is connected between the decoder and a respective rake combiner corresponding to each of said reception processing blocks". Such recitation is not consistent with the specification and the drawing fig. 8 that show "each of the plurality of memories is connected between a respective rake combiner corresponding to each of said reception processing blocks and the decoder". Applicant's rep. also requests that an initialized copy of the IDS submitted on 1/13/05 -copy of which has been submitted for the examiner's convenience on 11/17/06-be returned with the next office communication. However, a review of the file history does not show any IDS, filed on 1/13/05, or its copy submitted on 11/17/06.